AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT for the

☐ Inspection of Premises: YOU ARE COMMANDED to permit entry onto the design other property possessed or controlled by you at the time, date, and location set forth below,	ther district, state where:  f Illinois  OBJECTS  CTION  t forth below the following ag, testing, or sampling of the ers, emails, phone logs or concerning Joyce Hutchens LLC, or received by or on
Board of Education of the City of Chicago    Defendant	ther district, state where:  f Illinois )  OBJECTS  CTION  t forth below the following ag, testing, or sampling of the present concerning Joyce Hutchens LLC, or received by or on a present
To: Allison Taylor, LLC Attention: Custodian of Records 158 Commerce St. East Haven, CT 06512-4145    Production: YOU ARE COMMANDED to produce at the time, date, and place set documents, electronically stored information, or objects, and permit their inspection, copyin material: Any and all physical and electronic records, including but not limited to notes, lette recordings, regarding any requests for references or verifications of employment c and any responses to same, which were made by, or on behalf of, Allison Taylor, I behalf of them to/from the Board of Education at any time from June 1, 2010 to the Place:    Date and Time:   O5/15/20	t forth below the following ag, testing, or sampling of the rs, emails, phone logs or concerning Joyce Hutchens LLC, or received by or on a present
To: Allison Taylor, LLC Attention: Custodian of Records 158 Commerce St. East Haven, CT 06512-4145    Production: YOU ARE COMMANDED to produce at the time, date, and place set documents, electronically stored information, or objects, and permit their inspection, copyin material: Any and all physical and electronic records, including but not limited to notes, lette recordings, regarding any requests for references or verifications of employment c and any responses to same, which were made by, or on behalf of, Allison Taylor, I behalf of them to/from the Board of Education at any time from June 1, 2010 to the Place:    Date and Time:   O5/15/20	t forth below the following ag, testing, or sampling of the ars, emails, phone logs or concerning Joyce Hutchens LLC, or received by or on a present
documents, electronically stored information, or objects, and permit their inspection, copyin material: Any and all physical and electronic records, including but not limited to notes, lette recordings, regarding any requests for references or verifications of employment c and any responses to same, which were made by, or on behalf of, Allison Taylor, I behalf of them to/from the Board of Education at any time from June 1, 2010 to the Place:  Date and Time:  05/15/20  Dinspection of Premises: YOU ARE COMMANDED to permit entry onto the design other property possessed or controlled by you at the time, date, and location set forth below,	ng, testing, or sampling of the series, emails, phone logs or concerning Joyce Hutchens LLC, or received by or on a present
05/15/20	14 10:00 am
☐ Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designother property possessed or controlled by you at the time, date, and location set forth below,	014 10:00 am
other property possessed or controlled by you at the time, date, and location set forth below,	
Place: Date and Time:	ject or operation on it.
The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subjeted (d) and (e), relating to your duty to respond to this subpoena and the potential consequent attached.	ect to a subpoena, and Rule aces of not doing so, are
Date:04/08/2014	
CLERK OF COURT OR	AD.
Signature of Clerk or Deputy Clerk	Land a view atres
	idiney's signature
The name, address, e-mail, and telephone number of the attorney representing (name of party)	deney's signature

125 S. Clark Street, Suite 700

Chicago, Illinois 60603

(773) 553-1700

AO 88B (Rov. 06/09) Subposes to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 13 C 6447

### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

as received by me on (de	ite)		
☐ I served the su	bpoena by delivering a copy to the nan	ned person as follows:	
		on (date)	or
☐ I returned the	subpoena unexecuted because:		· · · · · · · · · · · · · · · · · · ·
		States, or one of its officers or agents, I d the mileage allowed by law, in the am	
\$	•		
y fees are \$	for travel and \$	for services, for a total of \$	0.00
L declare under ne	nalty of perjury that this information is	s frue	
1 doorate dides pe	miney or porjury mass and international	, a. u.c.	•
ite.	•		* •
ite.	and distances - c	Server's signature	
		Printed name and title	
			•

#### (c) Protecting a Person Subject to a Subpoena.

- (1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction which may include lost earnings and reasonable attorney's fees on a party or attorney who fails to comply.
  - (2) Command to Produce Materials or Permit Inspection.
- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:
- disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(e)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

- (d) Duties in Responding to a Subpoena.
- (1) Producing Documents or Electronically Stored Information.

  These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.
- (2) Claiming Privilege or Protection.
- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

AO 88B (Rev. 06/09) Subpoens to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT

•	Northern Di	strict of India	1a		
Jove	e Hutchens	1		-	
	Plaintiff	<i>)</i>			
	ν.	) Civi	l Action No.	13 C 6447	
Board of Education	n of the City of Chicago	. )			
		) (If the		ing in another district, sta	te where:
· Di	efendant	<i>J</i> .	Normem D	istrict of Illinois	,
	OENA TO PRODUCE DOCU R TO PERMIT INSPECTION				•
To: Briljent LLC Atten 7615 W. Jefferson	tion: Custodian of Records Blvd. Fort Wayne, IN 46804-41	133			
documents, electronically material: Any and all phy recordings, reg and any respon	U ARE COMMANDED to prove stored information, or objects, relical and electronic records, including any requests for referencises to same, which were made from the Board of Education at a	and permit the luding but not es or verificati by, or on beha	eir inspection limited to not ons of emplo alf of, Briljent	, copying, testing; or es, letters, emails, pl yment concerning Jo LLC, or received by	sampling of the hone logs or byce Hutchens
Place:		Dat	e and Time:		
	•		(	05/15/2014 10:00 am	
					<u> </u>
Place:	rvey, photograph, test, or sample		or any design	nated object or opera	tion on it.
				-	
. · · · · · · · · · · · · · · · · · · ·					4 4
The provisions of 45 (d) and (e), relating to attached.	f Fed. R. Civ. P. 45(c), relating t your duty to respond to this sub	to your protect ppoena and the	ion as a pers potential co	on subject to a subponsequences of not do	ena, and Rule ing so, are
Date: <u>04/08/2014</u>				•	
• •	ar the ar an ind				
-	CLERK OF COURT		)R		3
	Signature of Clerk or Deputy	Clerk	C	Morney's signate	ire
The name, address, e-ma	il, and telephone number of the a	attorney repres	enting (name	of party)	
Board of Education of the				es or requests this su	bpoena, are:
Brian J. Flores - Assistar				~	
125 S. Clark Street, Suite Chicago, Illinois, 60603					

AO 88B (R	Rev. 06/09) Subpoens to Pro-	duce Documents, Information, or Objects or to	Permit Inspection of Premises in a Civil Action	n (Page 2)
Civil Ac	tion No. 13 C 6447	-		
		PROOF OF SI	ERVICE	
	(This section	should not be filed with the cour	t unless required by Fed. R. Civ.	P. 45.)
	This subpoena for (na	me of individual and title, if any)		,
was rece	ived by me on (date)			
ľ	☐ I served the subpo	ena by delivering a copy to the na	ned person as follows:	
_		·		
_	4-4- 44-		on (date)	; or
Č	☐ I returned the subp	oena unexecuted because:	·	
		was issued on behalf of the United is fees for one day's attendance, ar		
\$		•		
My fees a	are \$	for travel and \$	for services, for a total c	of \$ 0.00
•				,
I	declare under penalt	y of perjury that this information i	s true.	
Date:			Server's signature	· · · · · · · · · · · · · · · · · · ·
	,	•	on rar a arginism o	

Printed name and title

Server's address

(c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the issuing court must a quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information.

  These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

Case: 1:13-cv-06447 Document #: 38-1 Filed: 11/06/14 Page 7 of 22 PageID #:193

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT

	Northern District	of Illinois
INVCE	HUTCHENS	
	laintiff )	
•	v. )	Civil Action No. 13 C 6447
BOARD OF FOUCA	ATION OF THE CITY OF	
	IICAGO )	(If the action is pending in another district, state where:
Dej	fendant )	)
	DENA TO PRODUCE DOCUMEN TO PERMIT INSPECTION OF P	TS, INFORMATION, OR OBJECTS PREMISES IN A CIVIL ACTION
	ds City Colleges of Chicago Found rd. Chicago, IL 60606-6959	ation
documents, electronically material:	stored information, or objects, and p	at the time, date, and place set forth below the following ermit their inspection, copying, testing, or sampling of the
SEE ATTACHE	D RIDER FOR INFORMATION REQ	UESTED
		•
Place: Board of Educati	ion.	Date and Time:
125 S. Clark Stre		
Chicago, Illinois		04/18/2014 10:00 am
may inspect, measure, sur	rvey, photograph, test, or sample the	, and location set forth below, so that the requesting party property or any designated object or operation on it.
Place:	,	Date and Time:
The provisions of 45 (d) and (e), relating to attached.	f Fed. R. Civ. P. 45(c), relating to you your duty to respond to this subpoen	n protection as a person subject to a subpoena, and Rule a and the potential consequences of not doing so, are
Date: 04/02/2014	-	
	CLERK OF COURT	
		OR The state of th
·	Signature of Clerk or Deputy Clerk	Altorriey's signature
The name, address, e-mai	il, and telephone number of the attorn	ey representing (name of party)
Board of Education		, who issues or requests this subpoena, are:
Brian J. Flores, Assistant 125 S. Clark Street, 7th I	Floor	
Chicago, Illinois 60603	(773) 553-1700	

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 13 C 6447

### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

	or things of marriana a	nd title, if any)		
as received by me on 6	late)			
☐ I served the s	ubpoena by deliveri	ng a copy to the nam	ed person as follows:	
			on (date)	; or
☐ I returned the	subpoena unexecute	ed because:		
tendered to the w	pena was issued on b vitness fees for one o	ehalf of the United lay's attendance, and	states, or one of its officers the mileage allowed by la	s or agents, I have also aw, in the amount of
y fees are \$	for tra	evel and \$	for services, for a	total of \$ 0.00
		evel and \$		total of \$ 0.00
I declare under p				total of \$ 0.00
I declare under p				total of \$ 0.00
I declare under p			true.	
Iy fees are \$  I declare under parte:			true. Server's signature	

#### (c) Protecting a Person Subject to a Subpoena,

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

#### (2) Command to Produce Muterials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

- (d) Duties in Responding to a Subpoena.
- (1) Producing Documents or Electronically Stored Information.

  These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

Rider to Subpoena for Records

To: City Colleges of Chicago Foundation

Hutchens v. Board of Education; 13 C 6447

Any and all physical and electronic records, including but not limited to notes, letters, emails, phone logs or recordings, regarding any requests for references or verifications of employment concerning Joyce Hutchens and any responses to same, which were made by, or on behalf of, Truman Middle College, 1145 W. Wilson Avenue, #3985, Chicago, IL 60640, or received by or on behalf of Truman Middle College, 1145 W. Wilson Avenue, #3985, Chicago, IL 60640, to/from the Board of Education of the City of Chicago at any time from June 1, 2010 to the present.

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT

Southern District of I	Florida
Board of Education of the City of Chicago	
To: GVS International Trading Corp. Attention: Custodian of Re 3888 NW 77th Ave. Lauderhill, FL 33351-6345  **Description: YOU ARE COMMANDED to produce at the documents, electronically stored information, or objects, and perm material: Any and all physical and electronic records, including but recordings, regarding any requests for references or vertical and any responses to same, which were made by, or on received by or on behalf of them to/from the Board of Edit	e time, date, and place set forth below the following it their inspection, copying, testing, or sampling of the not limited to notes, letters, emails, phone logs or fications of employment concerning Joyce Hutchens behalf of, GVS International Trading Corp., or
Place:  Inspection of Premises: YOU ARE COMMANDED to pother property possessed or controlled by you at the time, date, and may inspect, measure, survey, photograph, test, or sample the property.	Date and Time:  05/15/2014 10:00 am  ermit entry onto the designated premises, land, or 1 location set forth below, so that the requesting party
Place:  The provisions of Fed. R. Civ. P. 45(c), relating to your pr	Date and Time:  otection as a person subject to a subpoena, and Rule
45 (d) and (e), relating to your duty to respond to this subpoena an attached.  Date: 04/08/2014  CLERK OF COURT	d the potential consequences of not doing so, are
Signature of Clerk or Deputy Clerk  The name, address, e-mail, and telephone number of the attorney re	OR  Ayorney's signature  epresenting (name of party)
Board of Education of the City of Chicago  Brian J. Flores - Assistant General Counsel 125 S. Clark Street, Suite 700 Chicago Illinois 60603 (773) 553-1700	, who issues or requests this subpoena, are:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 13 C 6447

# PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

	name of individual and title, if any)		•
vas received by me on (date,	)		
☐ I served the subp	ocena by delivering a copy to the nan	ned person as follows:	
	-	on (date)	or
☐ I returned the su	bpoena unexecuted because:	· .	
	ess fees for one day's attendance, an	States, or one of its officers or agents, I d the mileage allowed by law, in the am for services, for a total of \$	ount of
	TOT ELECTOR MILE OF		0.00
I declare under pena	dty of perjury that this information is	true.	
		true.	
_		true.  Server's signature	
		÷	
		Server's signature	· · ·

#### (c) Protecting a Person Subject to a Subpoena.

- (1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction which may include lost earnings and reasonable attorney's fees on a party or attorney who fails to comply.
  - (1) Command to Produce Materials or Permit Inspection.
- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena,
- (A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held:
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

- (d) Duties in Responding to a Subpoena.
- (1) Producing Documents or Electronically Stored Information.

  These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.
- (2) Claiming Privilege or Protection.
- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

AO 88B (Rev. 06/09) Subpoens to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT

•	Northern Dist	rict of Illinois	•
BOARD OF EDUCA CHI Def		) ) ) Civil Action No. 13 C 6447 ) ) (If the action is pending in another distr ) ENTS, INFORMATION, OR OBJEC F PREMISES IN A CIVIL ACTION	)
1120 E. Diehl Road,  Production: YOU documents, electronically material: Any and all phys recordings, regard and any respons by or on behalf or	stored information, or objects, an ical and electronic records, includ ding any requests for references es to same, which were made by f them to/from the Board of Educ	0563-4899  ce at the time, date, and place set forth be deem their inspection, copying, testing but not limited to notes, letters, emay or verifications of employment concernity, or on behalf of, Learning Point Association at any time from June 1, 2010 to the	ng, or sampling of the ills, phone logs or ing Joyce Hutchens ates, Inc, or received
other property possessed o	et, 7th Floor 50603 nises: YOU ARE COMMANDE r controlled by you at the time, de	Date and Time:  04/18/2014 10:0  D to permit entry onto the designated prate, and location set forth below, so that he property or any designated object or or the second	remises, land, or the requesting party
Place:  The provisions of	Fed. R. Civ. P. 45(c), relating to v	Date and Time:	subpoena, and Rule
45 (d) and (e), relating to y attached. Date: <u>04/02/2014</u>	our duty to respond to this subpo	ena and the potential consequences of n	ot doing so, are
	CLERK OF COURT  Signature of Clerk or Deputy Cler	OR Attorney's s	> > ignature
The name, address, e-mail, Board of Education	and telephone number of the atto	mey representing (name of party), who issues or requests the	

AO 88B (Rev. 06/09) Subpoens to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 13 C 6447

### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena f	OX (name of individual and title, if any)		
as received by me on a	late)		
☐ I served the s	ubpoena by delivering a copy to the nam	ed person as follows:	
		on (date)	
•	subnoena unevecuted because		
tendered to the v	oena was issued on behalf of the United S vitness fees for one day's attendance, and	States, or one of its officers or agents, I the mileage allowed by law, in the a	, I have also amount of
•			
y fees are \$	for travel and \$	for services, for a total of \$	0.00
I declare under j	penalty of perjury that this information is	true.	
ite;		Server's signature	
1		Printed name and title	
		ı	
		Server's address	
		server s accuress	

#### (c) Protecting a Person Subject to a Subpoena,

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

#### (2) Command to Produce Materials or Permit Inspection.

- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

#### (3) Quashing or Modifying a Subpoena.

- (A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person except that, subject to Rule 45(e)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information,
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

- (d) Duties in Responding to a Subpoena.
- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

#### (2) Claiming Privilege or Protection.

- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
  - (i) expressly make the claim; and
- (ii) describe the nature of the withhold documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

AO 88B (Rev. 06/09) Subpocua to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

Board of Education of the City of Chicago Brian J. Flores, Assistant General Counsel 125 S. Clark Street, Suite 700

Chicago, Illinois 60603 (773) 553-1700

UNITED STATES D	ISTRICT COURT
for the	;
Northern District of Illi	noîs
JOYCE HUTCHENS )	
Plaintiff ) v. ) BOARD OF EDUCATION OF THE CITY OF ) CHICAGO )	Civil Action No. 13 C 6447 (If the action is pending in another district, state where:
Defendant )	<b>)</b>
on behalf of The Princeton Review to/from the Board o present.	the time, date, and place set forth below the following rmit their inspection, copying, testing, or sampling of the sut not limited to notes, letters, emails, phone logs or erifications of employment concerning Joyce Hutchens or on behalf of, The Princeton Review, or received by or
Place: Board of Education of the City of Chicago 125 S. Clark Street, Suite 700 Chicago, Illinois 60603	Date and Time: 04/28/2014 11:20 am
☐ Inspection of Premises: YOU ARE COMMANDED to	permit entry onto the designated premises, land, or

Place:		Date and Time;	
The provisions of 5 (d) and (e), relating to tached.	Fed. R. Civ. P. 45(c), relating t your duty to respond to this sub	o your protection as a person subject poena and the potential consequence	t to a subpoena, and Ru es of not doing so, are
, ,	•		
ate: <u>4/8/2014</u>	•		
ate: <u>4/8/2014</u>	CLERK OF COURT	OR A	

who issues or requests this subpoena, are:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 13 C 6447

# PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

Time supposite tox (min	me of individual and title, if any)		
received by me on (date)	<u> </u>	<b>:</b>	:
☐ I served the subpo	ena by delivering a copy to the name	I person as follows:	
,			
		On (date)	; or
	opena imexecuted because:	\\	
·			
Unless the subpoena	was issued on behalf of the United St	ates, or one of its officers or agents,	I have also
tendered to the witnes	ss fees for one day's attendance, and t	he mileage allowed by law, in the a	mount of
\$	<u></u> -	•	
ees are \$	for travel and \$	for services, for a total of \$	0,00
es are \$	for travel and \$	for services, for a total of \$	0,00
	for travel and \$ y of perjury that this information is to	·	0,00
		·	0.00
I declare under penalt		·	0.00
		·	0.00
I declare under penalt		ue.	0.00
I declare under penalt		ue.	0.00
I declare under penalt		ue. Server's signature	0.00
I declare under penalt		ue. Server's signature	0.00

(c) Protecting a Person Subject to a Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply:

- (ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person except that, subject to Rule 45(e)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

- (B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (I) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

- (1) Producing Documents or Electronically Stored Information.

  These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoona does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

.. (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(o)(3)(A)(ii).

Case: 1:13-cv-06447 Document #: 38-1 Filed: 11/06/14 Page 20 of 22 PageID #:206

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT

Northern District of	Illinois
JOYCE HUTCHENS	
Plaintiff	
v. )	Civil Action No. 13 C 6447
BOARD OF EDUCATION OF THE CITY OF ) CHICAGO )	(If the action is pending in another district, state where:
Defendant )	<b>)</b>
SUBPOENA TO PRODUCE DOCUMENTS OR TO PERMIT INSPECTION OF PRI To: Custodian of Records Safer Foundation 571 W. Jackson Blvd. Chicago, IL 60661-5701	
documents, electronically stored information, or objects, and permaterial: Any and all physical and electronic records, including by recordings, regarding any requests for references or vel and any responses to same, which were made by, or or behalf of Safer Foundation to/from the Board of Education	nit their inspection, copying, testing, or sampling of the it not limited to notes, letters, emails, phone logs or ifications of employment concerning Joyce Hutchens behalf of, Safer Foundation, or received by or on
Place: Board of Education	Date and Time:
125 S. Clark Street, 7th Floor	04/18/2014 10:00 am
Chicago, Illinois 60603	
O Inspection of Premises: YOU ARE COMMANDED to pother property possessed or controlled by you at the time, date, ar may inspect, measure, survey, photograph, test, or sample the property.  [Place:	d location set forth below, so that the requesting party
The provisions of Fed. R. Civ. P. 45(c), relating to your p. 45 (d) and (e), relating to your duty to respond to this subpoena a attached.	rotection as a person subject to a subpoena, and Rule and the potential consequences of not doing so, are
Date:04/02/2014	•
CLERK OF COURT	OR OR
Signature of Clerk or Deputy Clerk	Auffriey's signature
The name, address, e-mail, and telephone number of the attorney	representing (name of party)
Board of Education	, who issues or requests this subpoena, are:
Brian J. Flores, Assistant General Counsel 125 S. Clark Street, 7th Floor	

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. 13 C 6447

### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for	(name of individual and title	, if any)			
s received by me on (da	te) .			,	
☐ I served the su	bpoena by delivering a c	opy to the nam	ed person as follows:		
		`	On (date)	; or	
☐ I returned the s	subpoena unexecuted bed				
Unless the subpos tendered to the wi	ena was issued on behalf	of the United S	states, or one of its officers or a the mileage allowed by law, i	gents, I have also n the amount of	
\$	· .				
fees are \$	for travel ar	nd \$	for services, for a total	of\$ 0.00	
I declare under pe	nalty of perjury that this	information is	true.	N.	
<b>:</b> :		•			
	<del></del>		Server's signature	,,,,	
	-				
	_	Printed name and title			
•		•			
				<del></del>	

#### (c) Protecting a Person Subject to a Subpoena.

- (1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction which may include lost earnings and reasonable attorney's fees on a party or attorney who fails to comply.
  - (2) Command to Produce Materials or Permit Inspection.
- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:
  - (i) fails to allow a reasonable time to comply;
- (ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
  - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:
- disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(e)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

- (d) Duties in Responding to a Subpoena.
- (1) Producing Documents or Electronically Stored Information.

  These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.
- (2) Claiming Privilege or Protection.
- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must;
  - (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).